DISCUSSION POINTS

OSHA'S PROPOSED RULE ON WORKPLACE IAQ

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(ii) Presumably, an employer with two employees working in a one room business would have to designate an enclosed smoking area -- this according to Assistant Secretary Dear at the March 25, 1994 press conference;

(iii) According to Assistant Secretary Dear, OSHA inspections would routinely become involved in the inspection and regulation of workplace smoking in all workplaces under OSHA's jurisdiction (70 million workers in 4.5 million non-industrial indoor work environments);

(iv) If a workplace had twenty employees and all twenty smoked, OSHA's proposed rule would still mandate smoking in enclosed, designated areas with separate exhaust; and

(v) Smoking in private, indoor offices would not be allowed.

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Source: https://www.industrydocuments.ucsf.edu/docs/tqwk0000

- We have received copies of OSHA's proposed rule on workplace indoor air quality but we have not received the voluminous "regulatory text" that OSHA will apparently publish.

- We at Philip Morris can assure you that we will carefully study OSHA's proposed rule and the "regulatory text" and, as we have done in the past, we will offer any expertise or scientific data that we may have to OSHA for inclusion in OSHA's decision-making process. We offered extensive analyses and data to OSHA in response to its Request For Information (RFI) on indoor air quality (IAQ) issues in 1991, and we intend to participate fully in OSHA's current process.

- At this juncture, however, we can say that OSHA's preliminary position as stated in the proposed rule, that indoor smoking should be restricted to enclosed, designated smoking areas with separate exhaust is not supported by the scientific data already in OSHA's public docket or by the scientific literature in general. We will oppose any rule that mandates such restrictions.

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- Because OSHA's rulemaking may take (by OSHA's own estimate) several years, employers, building owners and others should not treat OSHA's proposed rule, issued at the commencement of a long regulatory process, as a final workplace IAQ standard.

- We also oppose what amounts to a ban of smoking in restaurants and bars by virtue of the draconian measures contained in OSHA's proposed rule. OSHA purports (i) to treat restaurants and bars as office workplaces, (ii) to require separate, enclosed smoking areas for all restaurants and bars covered by the proposed rule and (iii) to prohibit employees (such as waiters and waitresses) from entering the smoking areas as a part of their employment. This callous, regulatory over-reaching by OSHA is not supported by OSHA's public docket (indeed OSHA did not specifically address restaurants and bars in its RFI) and is not supported by the scientific data.

- OSHA's proposed ban on smoking in restaurants and bars is but one aspect of the severe, arbitrary approach OSHA has set forth regarding indoor smoking:

  (i) Indoor smoking would be restricted in hotels (i.e., smoking could not occur in the presence of hotel employees);

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